

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In the Matter of:

ASSIGNMENT AND NUMBERING
OF CASES, INCLUDING CRIMINAL
CASES, OF SUPERIOR COURT, YUMA
COUNTY, ARIZONA

Administrative Order
No. 99-3

In an effort to reduce felony and juvenile case delay, the Yuma County Superior Court ("the Superior Court") retained the services of Maureen M. Solomon and Harvey Solomon, Court Management Associates, a consulting firm based in Colorado, to provide technical assistance relative to a case flow management study for felony and juvenile cases processed by the Superior Court. The objectives of the technical assistance were to (1) document the extent of case backlog; (2) determine the most likely causes of any backlog and delay; (3) work with the Court and other criminal justice agencies to design a comprehensive juvenile and felony caseflow management system to: (a) dispose of the existing backlog; and (b) avoid future delay and backlog; and (4) define management information needed on a continuing basis for case-progress and system-operation monitoring.

The overall goal of the caseflow study is to accomplish the disposition of 90% of the felony cases within 100 days of filing, and 99% within 180 days.

Maureen M. Solomon and Harvey Solomon have completed the first two phases of the project. Phase One consisted of the consultants examination and analysis of the existing system. Phase Two consisted of a one-day workshop in December 1998, where key members of the Yuma County criminal justice community participated, and were given the opportunity to contribute to the formulation of goals and standards to guide the re-engineering of caseflow

management of felony and juvenile cases in the future. Following the workshop, a Task Force was formed to plan and design new approaches to case management in Yuma County. The Task Force has divided into various subcommittees including juvenile delinquency caseflow, felony case backlog, felony case management procedures, forms, etc. Phase Three of the project involves the system redesign work and these subcommittees have been working since the December 1, 1998, Task Force meeting.

Historically, the assignment of criminal cases to the various Superior Court Divisions has been based on the Superior Court case number ultimately assigned to the case by the Clerk of the Superior Court when the case is finally filed in Superior Court.

The subcommittee on felony case management procedures has recognized the need for early disclosure by the State in order to competently negotiate early plea agreements and otherwise dispose of many felony cases at an early stage in the proceedings. Court appointed public defenders are customarily assigned defendant/clients in accordance with the Division of the Superior Court to which the case is assigned. In order to facilitate the earliest delivery of disclosure to the assigned defense attorney, the State and the Public Defender need to be able to ascertain upon the filing of the Complaint in Justice Court, the number of the Yuma County Superior Court Division to which the case will be assigned.

IT IS THEREFORE ORDERED that effective March 1, 1999, and until further order of the presiding judge, the following assignments of Superior Court Judges are made for the Judges of the Yuma County Superior Court:

- (A) Tom C. Cole is assigned to Division One;
- (B) John N. Nelson is assigned to Division Two;
- (C) Kirby Kongable is assigned to Division Three;
- (D) Philip L. Hall is assigned to Division Four; and
- (E) Thomas A. Thode is assigned to Division Five.

IT IS FURTHER ORDERED that, effective March 1, 1999, the Clerk of the Court shall, where possible, utilize the Complaint Number assigned to a felony criminal case in Justice Court for the administrative purposes of Yuma County Superior Court Division

assignments. All such Justice Court criminal complaint case numbers, the last two digits of which when divided by four (4), results in a remainder of one (1), shall be assigned to Division One; all such cases and numbers which result in a remainder of two (2), shall be assigned to Division Two; all such cases and numbers which result in a remainder of three (3), shall be assigned to Division Three; and all such cases and numbers which result in a remainder of four (4), shall be assigned to Division Four.

All of the Yuma County Justices of Peace and the practicing attorneys in Yuma County are respectfully requested to assist in making this transition in the Superior Court criminal case numbering system as smooth as possible.

IT IS FURTHER ORDERED that if a criminal case originates in a manner other than by way of a Complaint being filed in Justice Court, such as by way of a Direct Indictment, the Clerk of the Court shall use the Superior Court case numbers assigned to the case for purposes of assigning the case to the various Divisions of the Superior Court. All such criminal case numbers and all civil, domestic relations and probate case numbers, the last two digits of which when divided by four (4), results in a remainder of one (1), shall be assigned to Division One; all such cases and numbers which result in a remainder of two (2), shall be assigned to Division Two; all such cases and numbers which result in a remainder of three (3), shall be assigned to Division Three; and all such cases and numbers which result in a remainder of four (4), shall be assigned to Division Four.

All pleadings, minute entries, notices and orders filed by any interested party in a Superior Court case shall reflect, immediately beneath the case number, the Division number to which the case has been assigned.

IT IS FURTHER ORDERED that all cases in the Juvenile Division and all Adoption cases of the Yuma County Superior Court are hereby, and shall continue to be, assigned to Division Five.

IT IS FURTHER ORDERED that all mental health cases shall be assigned to

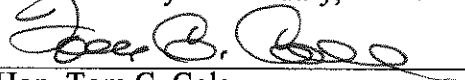
Division Three.

IT IS FURTHER ORDERED that all Division One cases previously assigned to the Hon. Tom C. Cole prior to March 1, 1999, shall continue under assignment to Hon. Tom C. Cole. The criminal proceedings (such as motions, change of pleas, imposition of sentences, etc.) of Judge Tom C. Cole shall be held on Tuesday and Thursday mornings. All Division Two cases previously assigned to the Hon. John N. Nelson prior to March 1, 1999, shall continue under assignment to Hon. John N. Nelson. The criminal proceedings (such as motions, change of pleas, imposition of sentences, etc.) of Judge John N. Nelson shall be held on Wednesday and Friday mornings. All Division Three cases previously assigned to the Hon. Kirby Kongable prior to March 1, 1999, shall continue under assignment to Hon. Kirby Kongable. The criminal proceedings (such as motions, change of pleas, imposition of sentences, etc.) of Judge Kirby Kongable shall be held on Wednesday and Friday mornings. All Division Four cases previously assigned to the Hon. Philip L. Hall prior to March 1, 1999, shall continue under assignment to Hon. Philip L. Hall. The criminal proceedings (such as motions, change of pleas, imposition of sentences, etc.) of Judge Philip L. Hall shall be held on Tuesday and Thursday mornings.

IT IS FURTHER ORDERED, effective March 1, 1999, assigning to Hon. Carley Preusch, Judge Pro Tem/Commissioner of the Yuma County Superior Court, those Superior Court cases involving the following:

- (A) Uniform Interstate Family Support Act (UIFSA cases);
- (B) Domestic Relations Default Dissolutions;
- (C) Criminal Arraignments (the criminal arraignments shall continue to be held on Friday mornings to the extent possible);
- (D) Title IV(D) Child Support Enforcement Actions (Division of Child Support Enforcement and Office of Attorney General); and
- (E) Weekend and holiday initial appearances in criminal cases.

DATED this 26th day of February, 1999.


Hon. Tom C. Cole
Presiding Judge

Copies to:

Hon. Thomas A. Thode
Hon. Philip L. Hall
Hon. Kirby Kongable
Hon. John N. Nelson
Hon. Carley Preusch
Hon. John N. Nelson
Hon. Rick Donato, Justice of the Peace, Precinct 1
Hon. Manuel Figueroa, Justice of the Peace, Precinct 2
Hon. J. Keith Milam, Justice of the Peace, Precinct 3
Beverly Frame, Clerk of the Superior Court
Steve Gallaher, Court Administrator
Ben Rowe, Justice Court Administrator
Yuma County Attorney
Yuma County Public Defender
Yuma County Legal Defender and Contract Administrator
Yuma County Bar
Court Management Associates